

FORM NLRB-601
(11-88)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

09-CA-255275

Date Filed

JANUARY 28, 2020

INSTRUCTIONS:

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Constellium

b. Number of workers employed

Approx: 860

c. Address (street, city, state, ZIP code)

**P.O.BOX 68 RAVENSWOOD, WV
26164**

d. Employer Representative

(b) (6), (b) (7)(C)

e. Telephone No.

304-273-6191

f. Type of Establishment (factory, mine, wholesaler, etc.)

ALUMINUM MANUFACTURER

g. Identify principal product or service

ALUMINUM SHEET, PLATE AND COIL

h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) and any others that may apply. _____ of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

After an information request was issued to the Company through it's (b) (6), (b) (7)(C) whom has refused to provide video evidence which contains relevant information to support a Grievance investigation along with a Grievance that follows Article (10) of our Collective Bargaining Agreement.

By the above acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act

3. Full name of party filing charge (If labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Telephone No.

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

UNITED STEELWORKERS LOCAL 5668

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By _____
(b) (6), (b) (7)(C) _____
(Signature)

(b) (6), (b) (7)(C)

Address: _____
(b) (6), (b) (7)(C) _____(b) (6), (b) (7)(C) _____
(Title if any)

(Telephone No.)

1-27-2020

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U. S. CODE, TITLE 18, SECTION 1001)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlr.gov
Telephone: (513)684-3686
Fax: (513)684-3946



Download
NLRB
Mobile App

January 28, 2020

(b) (6), (b) (7)(C)

Constellium
PO Box 68
Ravenswood, WV 26164

Re: CONSTELLIUM
Case 09-CA-255275

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JODI A. SUBER whose telephone number is (513)684-3656. If this Board agent is not available, you may contact Supervisory Attorney ERIC A. TAYLOR whose telephone number is (513)684-3659.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

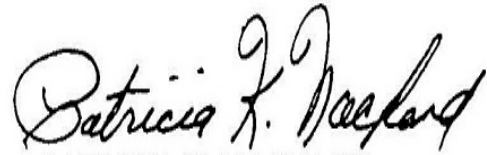
Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is written in a cursive, flowing style.

Patricia K. Nachand
Acting Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CONSTELLIUM

CASE NUMBER

09-CA-255275

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

CONSTELLIUM ROLLED PRODUCTS
RAVENSWOOD, LLC

and

Case 09-CA-255275

UNITED STEEL, PAPER AND FORESTRY, RUBBER
MANUFACTURING, ENERGY, ALLIED INDUSTRIAL
AND SERVICE WORKERS INTERNATIONAL UNION,
LOCAL 5668

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 5668 (Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Constellium Rolled Products Ravenswood, LLC (Respondent) has violated the Act as described below.

1. (a) The charge in this proceeding was filed by the Union on January 28, 2020, and a copy was served on Respondent by U.S. mail on the same date.

(b) The first amended charge in this proceeding was filed by the Union on April 24, 2020, and a copy was served on Respondent by U.S. mail on April 27, 2020.

2. (a) At all material times, Respondent has been a limited liability company with an office and place of business in Ravenswood, West Virginia (Respondent's facility), and has been engaged in the manufacture of rolled aluminum.

(b) In conducting its operations described above in paragraph 2(a), during the 12-month period ending May 1, 2020, Respondent sold and shipped from Respondent's facility goods valued in excess of \$50,000 directly to points outside the State of West Virginia.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. (a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act.

(b) (6), (b) (7)(C)

(b) At all material times, (b) (6), (b) (7)(C) held the position of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and has been an agent of Respondent within the meaning of Section 2(13) of the Act.

5. (a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Those employees of the [Respondent] at its aluminum plant located at Ravenswood, West Virginia, as follows: all production and maintenance employees, but excluding executives, administrative and professional employees, office and clerical employees, guards, full-time first-aid and safety employees, foremen and any other supervisory employees with the authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action.

(b) Since at least July 15, 2010 and at all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective September 19, 2017 through September 19, 2023.

(c) At all material times since at least July 15, 2010, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

6. (a) Since about January 15, 2020, the Union has requested, in writing, that Respondent furnish the Union with video from all cameras covering the north dock on January 2, 2020 from 2:30 p.m. to 2:50 p.m.

(b) The information requested by the Union, as described above in paragraph 6(a), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(c) Between January 15, 2020 and February 7, 2020, Respondent failed and refused to furnish the Union with the information requested by it as described above in paragraph 6(a).

7. By the conduct described above in paragraph 6(c), Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

8. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this**

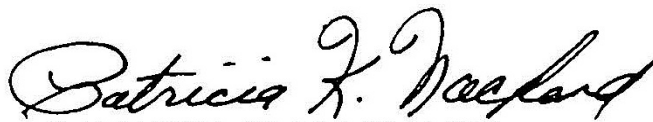
office on or before May 27, 2020. Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE that commencing on a date, time and place to be hereinafter scheduled in **Ravenswood, West Virginia**, and continuing thereafter until conclusion, a hearing will be conducted before an administrative law judge of the Board on the allegations in this complaint, at which time and place any party within the meaning of Section 102.8 of the Board's Rules and Regulations will have the right to appear and present testimony. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: May 13, 2020

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Patricia K. Nachand, Acting Regional Director
Region 9, National Labor Relations Board
Room 3-111, John Weld Peck Federal Building
550 Main Street
Cincinnati, OH 45202-3271

Attachments

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9**

**CONTELLIUM ROLLED PRODUCTS
RAVENSWOOD, LLC**

and

Case 09-CA-255275

**UNITED STEEL, PAPER AND
FORESTRY, RUBBER,
MANUFACTURING, ENERGY, ALLIED
INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION,
LOCAL 5668**

**RESPONDENT CONTELLIUM'S
ANSWER TO THE COMPLAINT**

Pursuant to Sections 102.20 and 102.21 of the Rules and Regulations of the National Labor Relations Board, Constellium Rolled Products Ravenswood, LLC (“Respondent”), through its undersigned counsel, answers the Complaint according to the numbered paragraphs thereof. To the extent the Complaint’s introduction contains factual allegations and/or legal conclusions, they are denied.

Paragraph 1

(a) Respondent is without knowledge as to when the charge referenced was filed, but Respondent admits that it received a copy of the charge on or about the listed date. Respondent denies that “the Union” filed the charge referenced. The “full name of party filing charge” is (b) (6), (b) (7)(C), not the Union.

(b) Respondent is without knowledge as to when the first amended charge referenced was filed, but Respondent admits that it received a copy of the charge on or about the listed date.

Although the “full name of party filing charge” is changed to the United Steelworkers of America, Local 5668, (b) (6), (b) (7)(C) remains the signatory on the charge form.

Paragraph 2

- (a) Respondent admits the allegations in Paragraph 2(a).
- (b) Respondent admits the allegations in Paragraph 2(b).
- (c) Respondent admits the allegations in Paragraph 2(c).

Paragraph 3

Respondent admits the allegations in Paragraph 3 on information and belief.

Paragraph 4

- (a) Respondent admits the allegations in Paragraph 4(a).
- (b) Respondent denies the allegations in Paragraph 4(b).

Paragraph 5

- (a) Respondent admits the allegations in Paragraph 5(a).
- (b) Respondent admits the allegations in Paragraph 5(b) with the correction that the reference to the year 2023 should state the year 2022.
- (c) Respondent admits the allegations in Paragraph 5(c).

Paragraph 6

- (a) Respondent denies the allegations in Paragraph 6(a). (b) (6), (b) (7)(C), acting outside the scope of (b) (6), (b) (7)(C) authority or jurisdiction under the parties’ collective bargaining agreement and designated roles, made the referenced information request on January 15, 2020. (b) (6), (b) (7)(C) did so after filing a (b) (6), (b) (7)(C) grievance over the alleged actions of a third party employee on January 2, 2020. Once a (b) (6), (b) (7)(C) grievance is filed, jurisdiction to process and/or resolve such a grievance,

including information requests related to such a grievance, rests with the negotiated-for (b) (6), (b) (7)(C) committee. (b) (6), (b) (7)(C) is not a member of the (b) (6), (b) (7)(C) committee.

To the extent “the Union” through the (b) (6), (b) (7)(C) committee requested this video evidence on or after January 15, 2020, the Company timely provided the video evidence to the designated (b) (6), (b) (7)(C) committee representatives and resolved the grievance in its entirety on or around February 7, 2020.

(b) Respondent denies the allegations in Paragraph 6(b) for the reasons stated in its response to the allegations in Paragraph 6(a). Even if the video evidence was necessary and relevant for the Union (b) (6), (b) (7)(C) committee, it was not necessary and relevant to the initial requester, (b) (6), (b) (7)(C), who had already filed a grievance that was referred to the (b) (6), (b) (7)(C) committee.

(c) Respondent denies the allegations in Paragraph 6(c) for the reasons stated in its response to the allegations in Paragraph 6(a). The Company never denied or delayed requested information to the appropriately-designated members of the (b) (6), (b) (7)(C) committee tasked with processing and resolving the January 15, 2020 grievance filed by (b) (6), (b) (7)(C).

Paragraph 7

Respondent denies the allegations in Paragraph 7, including but not limited to the legal conclusions contained therein.

Paragraph 8

Respondent denies the allegations in Paragraph 8, including but not limited to the legal conclusions contained therein.

Any and all remaining allegations contained in the Complaint are denied. Any and all Complaint allegations not specifically admitted above are denied.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief can be granted.
2. The information requested as described in the Complaint is neither necessary for nor relevant to the Union's performance of its representational duties under the Act, including because the video footage shows the activities of a third party employee who is not a member of the bargaining unit.
3. An employer's "duty to bargain" under Section 8(a)(5) does not require it to provide information to every union representative regardless of his or her position or responsibilities as a union agent under the applicable union organizational structure, collective bargaining agreement, and related practices.
4. Under the applicable union organizational structure, collective bargaining agreement, and related practices, the Company had no duty to provide the requested information to (b) (6), (b) (7)(C) after (b) (6) filed the (b) (6), (b) (7)(C) grievance on January 15, 2020.
5. Any collective bargaining agreement interpretation relevant to the Section 8(a)(5) claims should be deferred to the grievance-arbitration process.

Dated: May 27, 2020

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



David R. Broderdorf
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: +1.202.739.5817
Fax: +1.202.739.3001
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1111 Pennsylvania Avenue, NW
Washington, DC 20004
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Email: ryan.sears@morganlewis.com

*Attorneys for Respondent
Constellium Rolled Products Ravenswood,
LLC*

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2020, I caused a copy of the foregoing Respondent Constellium Rolled Products Ravenswood, LLC's Answer to the Complaint in NLRB Case No 09-CA-255275 to be delivered to the following individuals via the following means:

Regional Director
Region 9 of the National Labor Relations Board
550 Main Street
Room 3-111
Cincinnati, OH 45202-3271
Via E-filing

(b) (6), (b) (7)(C)

United Steelworkers of America, Local 5668, AFL-CIO-CLC

(b) (6), (b) (7)(C)

Via E-mail

/s/ Ryan T. Sears

Dated: May 27, 2020

Ryan T. Sears
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: +1.202.739.5077
Fax: +1.202.739.3001
Email: ryan.sears@morganlewis.com

*Attorney for Respondent
Constellium Rolled Products Ravenswood,
LLC*

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

CONSTELLIUM ROLLED PRODUCTS
RAVENSWOOD, LLC

and

Cases 09-CA-255275
09-CA-257508
09-CA-257510
09-CA-257889

UNITED STEEL, PAPER AND FORESTRY, RUBBER
MANUFACTURING, ENERGY, ALLIED INDUSTRIAL
AND SERVICE WORKERS INTERNATIONAL UNION,
LOCAL 5668

ORDER CONSOLIDATING CASES,
CONSOLIDATED COMPLAINT,
AND
NOTICE OF HEARING

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case 09-CA-255275 filed by United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 5668 (Union) against Constellium Rolled Products Ravenswood, LLC (Respondent), in which a Complaint and Notice of Hearing issued on May 13, 2020, is consolidated with Cases 09-CA-257508, 09-CA-257510 and 09-CA-257889 filed by the Union against Respondent.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. (a) The charge in Case 09-CA-255275 was filed by the Union on January 28, 2020, and a copy was served on Respondent by U.S. mail on the same date.

(b) The first amended charge in Case 09-CA-255275 was filed by the Union on April 24, 2020, and a copy was served on Respondent by U.S. mail on April 27, 2020.

(c) The charge in Case 09-CA-257508 was filed by the Union on March 5, 2020, and a copy was served on Respondent by U.S. mail on March 6, 2020.

(d) The charge in Case 09-CA-257510 was filed by the Union on March 4, 2020, and a copy was served on Respondent by U.S. mail on March 6, 2020.

(e) The charge in Case 09-CA-257889 was filed by the Union on March 11, 2020, and a copy was served on Respondent by U.S. mail on March 12, 2020.

2. (a) At all material times, Respondent has been a limited liability company with an office and place of business in Ravenswood, West Virginia (Respondent's facility), and has been engaged in the manufacture of rolled aluminum.


(b) In conducting its operations described above in paragraph 2(a), during the 12-month period ending May 1, 2020, Respondent sold and shipped from Respondent's facility goods valued in excess of \$50,000 directly to points outside the State of West Virginia.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. (a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act.

(b) (6), (b) (7)(C)



(b) At all material times, (b) (6), (b) (7)(C) held the position of Respondent's (b) (6), (b) (7)(C) and has been an agent of Respondent within the meaning of Section 2(13) of the Act.

5. (a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Those employees of the [Respondent] at its aluminum plant located at Ravenswood, West Virginia, as follows: all production and maintenance employees, but excluding executives, administrative and professional employees, office and clerical employees, guards, full-time first-aid and safety employees, foremen and any other supervisory employees with the authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action.

(b) Since at least July 15, 2010 and at all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective September 19, 2017 through September 19, 2023.

(c) At all material times since at least July 15, 2010, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

6. (a) Since about January 15, 2020, the Union has requested, in writing, that Respondent furnish the Union with video from all cameras covering the north dock on January 2, 2020 from 2:30 p.m. to 2:50 p.m.

(b) The information requested by the Union, as described above in paragraph 6(a), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(c) Between January 15, 2020 and February 7, 2020, Respondent failed and refused to furnish the Union with the information requested by it as described above in paragraph 6(a).

7. Since about July 24, 2019, the Union has requested, in writing, that Respondent furnish the Union with:

(a) the number of contractors by craft working in the Hot Line department daily from June 3, 2019 through June 19, 2019, the names of all contractors used during that time period, a total list of the jobs submitted on the [Outside Contracting Authorization Request] OCAR that were completed, and a total list of the jobs submitted on the OCAR that were not completed.

(b) the number of contractors by craft working in the Plate Department daily from June 3, 2019 through June 20, 2019, the names of all contractors used during that time period, a total list of the jobs submitted on the OCAR that were completed, and a total list of the jobs submitted on the OCAR that were not completed.

(c) the number of contractors by craft working in the Casting Department daily from May 18, 2019 through June 27, 2019, the names of all contractors used during that time period, a total list of the jobs submitted on the OCAR that were completed, and a total list of the jobs submitted on the OCAR that were not completed.

(d) the number of contractors working in the Fab East Department daily from June 10, 2019 through June 18, 2019, the names of all contractors used during that time period, a total list of the jobs submitted on the OCAR that were completed, and a total list of the jobs submitted on the OCAR that were not completed.

(e) The information requested by the Union, as described above in paragraphs 7(a) through (d), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(f) Since July 24, 2019, and continuing thereafter, Respondent failed and refused to furnish the Union with the information requested by it as described above in paragraphs 7(a) through (d).

8. (a) Since about August 1, 2019, the Union has requested, in writing, that Respondent furnish the Union with the OCAR that the [Respondent] is relying on to have contractors do cleaning and straightening duties performed in and around Maintenance shops and parts storage areas from August 1, 2019 through August 23, 2019; the areas the work was performed in; the name of the contractor that performed this work; the total number of hours to perform this work; and a copy of the PO's used to perform this work.

(b) The information requested by the Union, as described above in paragraph 8(a), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(c) Since August 1, 2019, Respondent failed and refused to furnish the Union with the information requested by it as described above in paragraph 8(a).

9. (a) Since about September 6, 2019, the Union has requested, in writing, that Respondent furnish the Union with the name of the Contractor who is building the metal packing skids; the OCAR number the [Respondent] is relying on to outsource this work; the number of hours associated with this work; the total number of metal packing skids the [Respondent] had built outside the plant from January 1, 2019 through September 6, 2019; the number on the print used to build these packing skids; and a copy of the prints used to build these skids.

(b) The information requested by the Union, as described above in paragraph 9(a), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(c) Between September 6, 2019 and April 21, 2020, Respondent failed and refused to furnish the Union with the information requested by it as described above in paragraph 9(a).

10. (a) Since about July 18, 2019, the Union has requested, in writing, that Respondent furnish the Union with a description of the piping that's being installed from Oil Reclamation Building to 112 Mill in R-3 Bay; how many man hours were charged to purchasing for that job;

the equipment that the electrical conduit and wire being installed in R-9 and Oil Reclamation Building were going to be used for; and the number of man hours being charged to purchasing for that job.

(b) Since July 31, 2019, the Union has requested, in writing, that Respondent furnish the Union with the name of the contractor installing conduit; wiring and cameras in Scalping; the OCAR number that the Company is relying on for the contractor to perform this work; the number of hours to complete this work; the total cost to complete this work; and a copy of the contract purchase order for this work.

(c) About August 19, September 16, and December 17, 2020 the Union renewed to Respondent its requests for information described above in paragraphs 10(a) and (b).

(d) The information requested by the Union, as described above in paragraphs 10(a) through (c), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(e) Between July 18, 2019 and April 22, 2020, Respondent failed and refused to furnish the Union with the information requested by it as described above in paragraph 10(a) and renewed in paragraph 10(c).

(f) Between July 31, 2019 and April 22, 2020, Respondent failed and refused to furnish the Union with the information requested by it as described above in paragraph 10(b) and renewed in paragraph 10(c).

11. By the conduct described above in paragraphs 6(c), 7(f), 8(c), 9(c), 10(e) and 10(f), Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

12. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. The answer must be **received by this office on or before June 11, 2020.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE that commencing on a date, time and place to be hereinafter scheduled in **Ravenswood, West Virginia, or at any other place or electronic venue set forth by the Division of Administrative Law Judges** and continuing thereafter until conclusion, a hearing will be conducted before an administrative law judge of the Board on the allegations in this consolidated complaint, at which time and place any party within the meaning of Section 102.8 of the Board's Rules and Regulations will have the right to appear and present testimony. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: May 28, 2020

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Patricia K. Nachand, Acting Regional Director
Region 9, National Labor Relations Board
Room 3-111, John Weld Peck Federal Building
550 Main Street
Cincinnati, OH 45202-3271

Attachments

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9**

**CONSTELLIUM ROLLED PRODUCTS
RAVENSWOOD, LLC**

and

**UNITED STEEL, PAPER AND
FORESTRY, RUBBER,
MANUFACTURING, ENERGY, ALLIED
INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION,
LOCAL 5668**

**CASES 09-CA-255275
 09-CA-257508
 09-CA-257510
 09-CA-257889**

**RESPONDENT CONSTELLIUM'S
ANSWER TO THE CONSOLIDATED COMPLAINT**

Pursuant to Sections 102.20 and 102.21 of the Rules and Regulations of the National Labor Relations Board, Constellium Rolled Products Ravenswood, LLC (“Respondent”), through its undersigned counsel, answers the Consolidated Complaint (“Complaint”) according to the numbered paragraphs thereof. To the extent the Complaint’s introduction contains factual allegations and/or legal conclusions, they are denied.

Paragraph 1

(a) Respondent is without knowledge as to when the charge referenced was filed, but Respondent admits that it received a copy of the charge on or about the listed date. Respondent denies that “the Union” filed the charge referenced. The “full name of party filing charge” is (b) (6), (b) (7)(C), not the Union.

(b) Respondent is without knowledge as to when the first amended charge referenced was filed, but Respondent admits that it received a copy of the charge on or about the listed date. Although the “full name of party filing charge” is changed to the United Steelworkers of America, Local 5668, (b) (6), (b) (7)(C) remains the signatory on the charge form.

(c) Respondent is without knowledge as to when the charge referenced was filed, but Respondent admits that it received a copy of the charge on or about the listed date.

(d) Respondent is without knowledge as to when the charge referenced was filed, but Respondent admits that it received a copy of the charge on or about the listed date.

(e) Respondent is without knowledge as to when the charge referenced was filed, but Respondent admits that it received a copy of the charge on or about the listed date.

Paragraph 2

(a) Respondent admits the allegations in Paragraph 2(a).

(b) Respondent admits the allegations in Paragraph 2(b).

(c) Respondent admits the allegations in Paragraph 2(c).

Paragraph 3

Respondent admits the allegations in Paragraph 3 on information and belief.

Paragraph 4

(a) Respondent admits the allegations in Paragraph 4(a).

(b) Respondent denies the allegations in Paragraph 4(b).

Paragraph 5

(a) Respondent admits the allegations in Paragraph 5(a).

(b) Respondent admits the allegations in Paragraph 5(b) with the correction that the reference to the year 2023 should state the year 2022.

(c) Respondent admits the allegations in Paragraph 5(c).

Paragraph 6

(a) Respondent denies the allegations in Paragraph 6(a). (b) (6), (b) (7)(C), acting outside the scope of (b) (6), authority or jurisdiction under the parties' collective bargaining agreement and

designated roles, made the referenced information request on January 15, 2020. (b) (6), (b) (7)(C) did so after filing a (b) (6), (b) (7)(C) grievance over the alleged actions of a third party employee on January 2, 2020. Once a (b) (6), (b) (7)(C) grievance is filed, jurisdiction to process and/or resolve such a grievance, including information requests related to such a grievance, rests with the negotiated-for (b) (6), (b) (7)(C) committee. (b) (6), (b) (7)(C) is not a member of the (b) (6), (b) (7)(C) committee.

To the extent “the Union” through the (b) (6), (b) (7)(C) committee requested this video evidence on or after January 15, 2020, the Company timely provided the video evidence to the designated (b) (6), (b) (7)(C) committee representatives and resolved the grievance in its entirety on or around February 7, 2020.

(b) Respondent denies the allegations in Paragraph 6(b) for the reasons stated in its response to the allegations in Paragraph 6(a). Even if the video evidence was necessary and relevant for the Union (b) (6), (b) (7)(C) committee, it was not necessary and relevant to the initial requester, (b) (6), (b) (7)(C), who had already filed a grievance that was referred to the (b) (6), (b) (7)(C) committee.

(c) Respondent denies the allegations in Paragraph 6(c) for the reasons stated in its response to the allegations in Paragraph 6(a). The Company never denied or delayed requested information to the appropriately-designated members of the (b) (6), (b) (7)(C) committee tasked with processing and resolving the January 15, 2020 grievance filed by (b) (6), (b) (7)(C).

Paragraph 7

- (a) Respondent admits the allegations in Paragraph 7(a).
- (b) Respondent admits the allegations in Paragraph 7(b).
- (c) Respondent admits the allegations in Paragraph 7(c).
- (d) Respondent admits the allegations in Paragraph 7(d).

(e) Respondent denies the allegations in Paragraph 7(e), including but not limited to the legal conclusions contained therein.

(f) Respondent denies the allegations in Paragraph 7(f). The Union wanted to know the number, name, and applicable trade of outside contractors in four departments in May and/or June 2019 and a list of completed/not completed jobs “submitted on the OCAR [Outside Contractor Authorization Request]” for each department. Respondent’s (b) (6), (b) (7)(C) orally informed the Union that a consolidated list of all outside contractors (the number and name) did not exist. (b) (6), (b) (7)(C) additionally informed the Union that the Company did have OCAR data that described specific projects involving outside contractors as well as gate access logs to track outside contractor entry to the plant. In response, the Union accepted this offer, even filing a new information request specifically asking for gate logs. Accordingly, in early September 2019, Respondent provided the OCAR data and the gate log records to the Union. Thereafter, to Respondent’s knowledge, at no point until the filing of the relevant charge has the Union communicated to Respondent its current position that these requests had not been adequately fulfilled.

Paragraph 8

(a) Respondent is without knowledge as to information on which to form a belief to respond to the allegation in Paragraph 8(a).

(b) Respondent denies the allegations in Paragraph 8(b), including but not limited to the legal conclusions contained therein.

(c) Respondent denies the allegations in Paragraph 8(c) as stated. Respondent received this request and prepared a draft response to the request. The draft was not finalized and transmitted to the Union at that time due to administrative error. The Union failed to

sufficiently communicate to Respondent regarding its position that the information request was unfilled until after the filing of the relevant charge in March 2020. Respondent fulfilled the request on June 9, 2020.

Paragraph 9

(a) Respondent admits the allegations in Paragraph 9(a).

(b) Respondent denies the allegations in Paragraph 9(b), including but not limited to the legal conclusions contained therein.

(c) Respondent denies the allegations in Paragraph 9(c). Respondent received this request, prepared a draft response to the request, and sought Union clarification on the request. The draft response was not finalized and transmitted to the Union at that time due to administrative error. The Union failed to sufficiently communicate to Respondent regarding its position that the information request was unfilled until after the filing of the relevant charge in March 2020. Respondent fulfilled the request on April 21, 2020.

Paragraph 10

(a) Respondent admits the allegations in Paragraph 10(a).

(b) Respondent admits the allegations in Paragraph 10(b).

(c) Respondent is without knowledge as to information on which to form a belief to respond to the allegation in Paragraph 10(c).

(d) Respondent denies the allegations in Paragraph 10(d), including but not limited to the legal conclusions contained therein.

(e) Respondent denies the allegations in Paragraph 10(e) as stated. Respondent received this request and prepared a draft response to the request. The draft was not finalized and transmitted to the Union at that time due to administrative error. The Union failed to

sufficiently communicate to Respondent regarding its position that the information request was unfilled until after the filing of the relevant charge in March 2020. Respondent fulfilled the request on April 21, 2020.

(f) Respondent denies the allegations in Paragraph 10(f) as stated. Respondent received this request and prepared a draft response to the request. The draft was not finalized and transmitted to the Union at that time due to administrative error. The Union failed to sufficiently communicate to Respondent regarding its position that the information request was unfilled until after the filing of the relevant charge in March 2020. Respondent fulfilled the request on April 22, 2020.

Paragraph 11

Respondent denies the allegations in Paragraph 11, including but not limited to the legal conclusions contained therein.

Paragraph 12

Respondent denies the allegations in Paragraph 12, including but not limited to the legal conclusions contained therein.

Any and all remaining allegations contained in the Complaint are denied. Any and all Complaint allegations not specifically admitted above are denied.

AFFIRMATIVE DEFENSES

All Cases

1. The Complaint fails to state a claim upon which relief can be granted.

Case 09-CA-255275

2. The information requested as described in the Complaint is neither necessary for nor relevant to the Union's performance of its representational duties under the Act, including

because the video footage shows the activities of a third party employee who is not a member of the bargaining unit.

3. An employer's "duty to bargain" under Section 8(a)(5) does not require it to provide information to every union representative regardless of his or her position or responsibilities as a union agent under the applicable union organizational structure, collective bargaining agreement, and related practices.

4. Under the applicable union organizational structure, collective bargaining agreement, and related practices, the Company had no duty to provide the requested information to (b) (6), (b) (7)(C) after (b) (6) filed the (b) (6), (b) (7)(C) grievance on January 15, 2020.

5. Any collective bargaining agreement interpretation relevant to the Section 8(a)(5) claims should be deferred to the grievance-arbitration process.

Cases 09-CA-257508, 09-CA-257510, and 09-CA-257889

6. The Company has sufficiently responded to all information requests received from the Union.

7. To the extent the General Counsel alleges that Respondent violated the Act due to the amount of time between the Union's requests and the Company's responses, this should not amount to a violation given that the Respondent did not act in bad faith, any arguable delay was due to administrative error, and the Union failed to adequately communicate with Respondent regarding its perception that Respondent had failed provide requested information that the Union was legally entitled to receive and still needed.

8. The allegations of the Complaint are barred by the Section 10(b) statute of limitations.

Dated: June 11, 2020

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 

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*Attorneys for Respondent
Constellium Rolled Products Ravenswood,
LLC*

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2020, I caused a copy of the foregoing Respondent Constellium Rolled Products Ravenswood, LLC's Answer to the Consolidated Complaint in the Consolidated Case (NLRB Cases Numbers 09-CA-255275, 09-CA-257508, 09-CA-257510, and 09-CA-257889) to be delivered to the following individuals via the following means:

Regional Director
Region 9 of the National Labor Relations Board
Regional Office 09 - Cincinnati, OH
550 Main Street
Room 3-111
Cincinnati, OH 45202-3271
Via E-filing

(b) (6), (b) (7)(C)

United Steelworkers of America, Local 5668, AFL-CIO-CLC

(b) (6), (b) (7)(C)

Via E-mail

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Local 5668 United Steelworkers
52 Nu Chance Drive,
Ravenswood, WV 26164
[fabco-o@suddenlinkmail.com](mailto:fabco@suddenlinkmail.com)

Via E-mail

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Local 5668 United Steelworkers
52 Nu Chance Drive,
Ravenswood, WV 26164
[fabco-o@suddenlinkmail.com](mailto:fabco@suddenlinkmail.com)

Via E-mail

Nathan Nelson
Contracting Out committee
Local 5668 United Steelworkers

52 Nu Chance Drive,
Ravenswood, WV 26164
unitpresident5668@suddenlinkmail.com
Via E-mail

/s/ Ryan T. Sears

Dated: June 11, 2020

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*Attorney for Respondent
Constellium Rolled Products Ravenswood,
LLC*

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

CONSTELLIUM ROLLED PRODUCTS
RAVENSWOOD, LLC

and

TEAMSTERS LOCAL UNION NO. 957,
GENERAL TRUCK DRIVERS,
WAREHOUSEMEN, HELPERS AND SALES
AND SERVICE, AND CASINO EMPLOYEES

Cases 09-CA-255275
09-CA-257508
09-CA-257510
09-CA-257889

ORDER SCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in this case be, and it hereby is, scheduled for **September 8, 2020**, at **9 a.m.**, in **Room 3-111, John Weld Peck Federal Building, 550 Main Street, Cincinnati, Ohio**, and on consecutive days thereafter until concluded, or by videoconference via Zoom Government, or in any manner and location otherwise ordered by the Administrative Law Judge.

Dated: July 20, 2020



Matthew T. Denholm, Regional Director
Region 9, National Labor Relations Board
Room 3-111, John Weld Peck Federal Building
550 Main Street
Cincinnati, Ohio 45202-3271

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

CONSTELLIUM ROLLED PRODUCTS
RAVENSWOOD, LLC

and

UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE WORKERS
INTERNATIONAL UNION, LOCAL 5668

Cases 09-CA-255275
09-CA-257508
09-CA-257510
09-CA-257889

AMENDMENT TO THE CONSOLIDATED COMPLAINT

Pursuant to Section 102.17 of the Rules and Regulations of the National Labor Relations Board (the Board) the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing dated May 28, 2020, is hereby amended to modify the dates in paragraphs 5(b), 8(a), 8(c), 10(c), and 10(e) as follows:

5. (b) Since at least July 15, 2010 and at all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective September 19, 2017 through **September 19, 2022**.

8. (a) Since about **August 27, 2019**, the Union has requested, in writing, that Respondent furnish the Union with the OCAR that the [Respondent] is relying on to have contractors do cleaning and straightening duties performed in and around Maintenance shops and parts storage areas from August 1, 2019 through August 23, 2019; the areas the work was performed in; the name of the contractor that performed this work; the total number of hours to perform this work; and a copy of the PO's used to perform this work.

8. (c) **Between August 27, 2019 and June 9, 2020**, Respondent failed and refused to furnish the Union with the information requested by it as described above in paragraph 8(a).

10. (c) About August 19, September 16, and December 17, **2019**, the Union renewed to Respondent its requests for information described above in paragraphs 10(a) and (b).

10. (e) Between July 18, 2019 and **April 21, 2020**, Respondent failed and refused to furnish the Union with the information requested by it as described above in paragraph 10(a) and renewed in paragraph 10(c).

All other aspects in the original Order Consolidating Cases, Consolidated Complaint and Notice of Hearing remain unchanged. The answer to the amended portion of the consolidated complaint is due by the close of business **September 14, 2020**, and Respondent is only required to respond to the allegations added by this Amendment to the Consolidated Complaint.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the above Amendment to the Consolidated Complaint. The answer must be **received by this office on or before September 14, 2020**. Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused

on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the amendment to consolidated complaint are true.

Dated: August 31, 2020

A handwritten signature in black ink, appearing to read "MT Denholm".

Matthew Denholm, Regional Director
Region 9, National Labor Relations Board
Room 3-111, John Weld Peck Federal Building
550 Main Street
Cincinnati, OH 45202-3271

Re: CONSTELLIUM ROLLED PRODUCTS RAVENSWOOD, LLC
Cases 09-CA-255275, et al.
Page 2—Certification of Compliance, Part One

Physical Posting

The signed and dated Notice to Employees in the above matter was posted on October 26, 2020 at the following locations: (1) on an enclosed bulletin board located at the main employee entrance to the facility; (2) on the bulletin board in the Casting Department; (3) on the bulletin board in the Scalping Department; (4) on the bulletin board in the Hot Line Department; (5) on the bulletin board in the Plate Department; (6) on the bulletin board in the Cold Roll Department; (7) on the bulletin board in the Finishing Department; (8) on the bulletin board in the Inspecting and Loading Department; and (9) on the bulletin board in the Central Maintenance area.

Mailing – THIS SECTION IS NOT APPLICABLE

The signed and dated Notice to Employees in the above captioned matter was mailed on (date) _____ to all current employees and former employees who were employed at any time since **June 1, 2019**. A copy of the list of names and addresses of employees to whom the Notices were mailed is attached.

I have completed this Certification of Compliance, Part One and state under penalty of perjury that it is true and correct.

RESPONDENT

By: 

Title: CFO

Date: 11/5/2020

This form should be returned to the Regional Office with **ONE** original Notice, dated and signed in the same manner as those posted. **The Certification of Compliance Part One and color-scanned signed/dated Notices should be returned via e-file.** Please *do not* e-mail or send hard copies of the Certification of Compliance Part One or Notice at this time.

CERTIFICATION OF COMPLIANCE
(PART TWO)

Re: CONSTELLUM ROLLED PRODUCTS RAVENSWOOD, LLC
Cases 09-CA-255275, et al.

As required by the Board's order in this matter, this document is a sworn certification of the steps that Respondent has taken to comply with the Board's order.

Information Provided

With regard to the information the Board's order required to be provided, Respondent states as follows:

1. For the information request made on July 18, 2019 (Information Request No. 22), Respondent provided the information on April 21, 2020 to Nathan Nelson (Grievance Chair and Local 5668 President).
2. For the information requests made on July 24, 2019 (Information Request Nos. 23 to 26), Respondent provided the information on September 15, 2020 to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Ed Barnett (Local 5668 President); and (b) (6), (b) (7)(C) [REDACTED]. Respondent also sent the information to fabc-o@suddenlinkmail.com, which is an email address monitored by the Union, as well as the email address from which the original information request was received.
3. For the information request made on July 31, 2019 (Information Request No. 30), Respondent provided the information on April 22, 2020 to Nathan Nelson (Grievance Chair and Local 5668 President).
4. For the information request made on August 1, 2019 (Information Request No. 27), Respondent provided the information on September 4, 2019 to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) [REDACTED]
5. For the information request made on September 6, 2019 (Information Request No. 33), Respondent provided the information on April 21, 2020 to Nathan Nelson (Grievance Chair).

6. For the information request made on January 15, 2020 regarding a video, Respondent showed the video on February 7, 2020 to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

I have completed this Certification of Compliance, Part Two and state, under penalty of perjury, that it is true and correct.

RESPONDENT

By: Devin S. Santos

Title: CSO

Date: 1/15/2020

This form should be returned to the Regional Office via e-file. Please *do not* e-mail or send a hard copy of the Certification of Compliance Part Two at this time.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 9
550 MAIN ST
RM 3-111
CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov
Telephone: (513)684-3686
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January 7, 2021

Ms. Allison S. Williams
Mr. Jeffrey M. Cropp
Attorneys at Law
Steptoe & Johnson PLLC
400 White Oaks Boulevard
Bridgeport, WV 26330-4500

Mr. Christopher L Slaughter
Attorney at Law
Steptoe & Johnson PLLC
P. O. Box 2195
Huntington, WV 25722-2195

Re: CONSTELLIUM ROLLED PRODUCTS
RAVENSWOOD, LLC
Cases 09-CA-255275; 09-CA-257508;
09-CA-257510; 09-CA-257889

Dear Ms. Williams, Mr. Cropp, Mr. Slaughter:

The above-captioned cases have been closed on compliance. Please note that the closing is conditioned upon continued observance of the Board Order.

Very truly yours,

/s/ **Matthew T. Denholm**

MATTHEW T. DENHOLM
Regional Director

cc: (b) (6), (b) (7)(C)
Constellium Rolled Products Ravenswood, LLC
PO Box 68
Ravenswood, WV 26164

(b) (6), (b) (7)(C)
United Steelworkers of America, Local 5668, AFL-CIO-CLC
(b) (6), (b) (7)(C)

(cc's continued on page 2)

(b) (6), (b) (7)(C)

United Steel, Paper and Forestry, Rubber, Manufacturing
Energy, Allied Industrial and Service Workers International Union Local 5668
52 NU Chance Dr
Ravenswood, WV 26164-3752

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Mr. Matthew King
Constellium Rolled Products Ravenswood, LLC
P.O. Box 68
Ravenswood, WV 26164-0068

(b) (6), (b) (7)(C)

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and
Service Workers International Union, AFL-CIO-CLC, Local Union 5668
52 Nu Chance Drive
Ravenswood, WV 26164-3752

(b) (6), (b) (7)(C)

Mr. Nathan Nelson
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied
Industrial and Service Workers International Union, Local 5668
52 Nu Chance Drive
Ravenswood, WV 26164-3752

Mr. Nathan Nelson

(b) (6), (b) (7)(C)